



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,008	08/28/2003	Kevin M. Tresenriter	108412	9890

27148 7590 12/12/2007

POLSINELLI SHALTON FLANIGAN SUELTHAUS PC
700 W. 47TH STREET
SUITE 1000
KANSAS CITY, MO 64112-1802

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/12/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Responsive Amendment

1. The reply filed on September 24, 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has cancelled all previously pending claims (claim 1) and has added new claims 2-33. Newly submitted claims 2-33 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Original claim 1 was directed toward trading according to a snapshot view of the market (Group I, classified in 705/37). Newly presented claims 2-33 are presented toward processing messages within a trading system (Group II, classified in 705/37). Groups I and II are related as subcombinations usable together. Group II does not require use of a snapshot view of the market (recited in Group I) in order to complete a trade. (The "snapshot trade manager" recited in claims 25, 32, and 33 only monitors, deletes, and stores messages. It does not utilize a "snapshot view of the market," which is the focus of original claim 1.)

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 2-33 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. This leaves no claims pending for examination.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid

Art Unit: 3692

abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Also noted is that the Request for Continued Examination (RCE) filed on September 24, 2007 is an improper RCE because prosecution was not closed at the time of filing of the RCE. The next reply to this Notice of Non-Responsive Amendment will be treated as a response to non-final rejection under 37 CFR 1.111 (see MPEP 706.07(h)).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3692

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Susanna M. Diaz
Primary Examiner
Art Unit 3692

December 10, 2007